



#29  
NB  
07/20/01

**CONTINUED PROSECUTION APPLICATION (CPA)  
REQUEST TRANSMITTAL**

Submit an original, and a duplicate for fee processing.

CHECK BOX if applicable:

(Only for Continuation or Divisional applications under 37 CFR 1.53(d))

☐ DUPLICATE

Address to:

Commissioner for Patents  
Box CPA  
Washington, DC 20231

Attorney Docket No.  
of prior application

PF147D1

First Named Inventor

Hastings et al.

Examiner Name

Saoud, C.

Group/Art Unit

1647

Express Mail Label No.

This is a request for a ☒ continuation or ☐ divisional application under 37 CFR § 1.53(d),  
(continued prosecution application (CPA)) of the prior application number 09/037,460,  
filed on March 10, 1998 entitled: Human Vascular IBP-Like Growth Factor Polynucleotides (as amended)

NOTES

**FILING QUALIFICATIONS:** The prior application identified above must be a nonprovisional application that is either: (1) complete as defined by 37 CFR § 1.51(b) or (2) the national stage of an international application in compliance with 35 U.S.C. 371. Effective May 29, 2000, a CPA may only be filed in a utility or a plant application if the prior nonprovisional application was filed before May 29, 2000. A CPA may be filed in a design application regardless of the filing date of the prior application. See "Request for Continued Examination Practice Changes to and Provisional Application Practice," Final Rule, 65 Fed. Reg. 50092 (Aug 16, 2000); Interim Rule, 65 Fed. Reg. 14865 (Mar. 20, 2000), 1233 Off. Gaz. Pat. Office (Apr. 11, 2000).

**C-I-P NOT PERMITTED:** A continuation-in-part application cannot be filed as a CPA under 37 CFR § 1.53(d), but must be filed under 37 CFR § 1.53(b).

**EXPRESS ABANDONMENT OF PRIOR APPLICATION:** The filing of this CPA is a request to expressly abandon the prior application as of the filing date of the request for a CPA. 37 CFR § 1.53(b) must be used to file a continuation, divisional, or continuation-in-part of an application that is not to be abandoned.

**ACCESS TO PRIOR APPLICATION:** The filing of this CPA will be construed to include a waiver of confidentiality by the application under 35 U.S.C. 122 to the extent that any member of the public who is entitled under the provisions of 37 CFR § 1.14 to access to, copies of, or information concerning, the prior application may be given similar access to, copies of, or similar information concerning, the other application or applications in the file jacket.

**35 U.S.C. 120 STATEMENT:** In a CPA, no reference to the prior application is needed in the first sentence of the specification and none should be submitted. If a sentence referencing the prior application is submitted, it will not be entered. A request for a CPA is the specific reference required by 35 U.S.C. 120 and to every application assigned the application number identified in such request, 37 CFR § 1.78(a).

**Warning: Information on this form may become public. Credit Card information should not be included on this form. Provide credit card information and authorization on PTO-2038.**

1. ☐ Enter the unentered amendment previously filed on \_\_\_\_\_ under 37 CFR § 1.116 in the prior nonprovisional application.
2. ☒ A preliminary amendment is enclosed.
3. ☐ This application is filed by fewer than all the inventors named in the prior application, 37 CFR § 1.53(d)(4).
  - a. ☐ DELETE the following inventor(s) named in the prior nonprovisional application:  
.....
  - b. ☐ The inventor(s) to be deleted are set forth in a separate sheet attached hereto.
4. ☐ A new power of attorney or authorization of agent (PTO/SB/81) is enclosed.
5. ☐ Information Disclosure Statement (IDS) is enclosed:
  - a. ☐ PTO/SB/08
  - b. ☐ Copies of IDS citations

[Page 1 of 2]

Burden Hour Statement: this form is estimated to take 0.4 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Box CPA, Washington, DC 20231.

07/17/2001 TGEDAMU1 00000047 083425 09037460

01 FC:131

710.00 CH

07/18/2001 TGEDAMU1 00000011 083425 09037460

01 FC:103  
02 FC:102

1386.00 CH  
1280.00 CH

TECH CENTER 1600/2900

JUL 19 2001

RECEIVED

CLAIMS	(1) FOR	(2) NUMBER FILED	(3) NUMBER EXTRA	(4) RATE	(5) CALCULATIONS
	TOTAL CLAIMS (37 CFR § 1.16(c) or (j))	97-20* =	77	x \$ 18.00 =	\$1,386.00
	INDEPENDENT CLAIMS (37 CFR § 1.16(b) or (i))	19-3** =	16	x \$ 80.00 =	\$1,280.00
	MULTIPLE DEPENDENT CLAIMS (if applicable) (37 CFR § 1.16(d))			x \$ 270.00 =	\$0.00
				BASIC FEE (37 CFR § 1.16)	\$ 710.00
				Total of above Calculations =	
	Reduction by 50% for filing by small entity (Note 37 CFR 1.27).				
	* Reissue claims in excess of 20 and over original patent. **Reissue independent claims over original patent.			TOTAL =	\$3,376.00

6. ☐ Small entity status: Applicant claims small entity status. See 37 CFR 1.27.
7. ☒ The Commissioner is hereby authorized to credit overpayments or charge the following fees to Deposit Account No. **08-3425**.
- a. ☐ Fees required under 37 CFR § 1.16.
- b. ☐ Fees required under 37 CFR § 1.17.
- c. ☐ Fees required under 37 CFR § 1.18.
8. ☐ A check in the amount of \$ \_\_\_\_\_ is enclosed.
9. ☐ Payment by credit card. Form PTO-2038 is enclosed.
10. ☐ Applicant requests suspension of action under 37 CFR 1.103(b) (fee under 37 CFR 1.17(i) enclosed).
11. ☒ New Attorney Docket Number, if desired PF147D1  
*[Prior application Attorney Docket Number will carryover to this CPA unless a new Attorney Docket Number has been provided herein.]*
12. a. ☐ Receipt For Facsimile Transmitted CPA (PTO/SB/29A)  
b. ☒ Return Receipt Postcard (Should be specifically itemized, See MPEP 503)
13. ☐ Other:

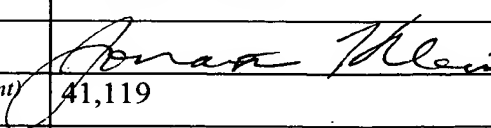
**NOTE:** The prior application's correspondence address will carry over to this CPA UNLESS a new correspondence address is provided below.

#### 14. NEW CORRESPONDENCE ADDRESS

☒ Customer Number or Bar Code Label **Customer No. 22195** or ☐ New correspondence address below

Name					
Address					
City		State		Zip Code	
Country		Telephone		Fax	

#### 15. SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED

Name (Print/Type)	Jonathan L. Klein
Signature	
Registration No. (Attorney/Agent)	41,119
Date	July 16, 2001

CPA 11647

Under the Paperwork Reduction Act of 1995, no person is required to respond to a collection of information unless it displays a valid OMB control number.

Approved for use through 10/31/2002. PTO/SB/17 (09-00)

Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

Complete if Known

FEE TRANSMITTAL  
for FY 2001

Patent fees are subject to annual revision.

Application Number: 09/037,460  
 Filing Date: March 10, 1998  
 First Named Inventor: Hastings et al.  
 Examiner Name: Saoud, C.  
 Group Art Unit: 1647  
 Attorney Docket Number: PF147D1

## METHOD OF PAYMENT (CHECK ONE)

1. ☒ The Commissioner is hereby authorized to charge indicated fees and credit any overpayment to:  
 Deposit Account Number: 08-3425  
 Deposit Account Name: Human Genome Sciences, Inc.

☒ Charge Any Additional Fee Required  
 Under 37 CFR §§ 1.16 and 1.17

☐ Applicant claims small entity status  
 See 37 CFR 1.27

2. ☐ Payment Enclosed:

☐ Check ☐ Credit Card ☐ Money Order ☒ Other  
 Charge any deficiencies or credit any overpayments in the fees or fee calculations of Parts 1, 2 and 3 below to Deposit Account No. 08-3425

## FEE CALCULATION

## 1. BASIC FILING FEE

Large Fee Code	Entity Fee (\$)	Small Fee Code	Entity Fee (\$)	Fee Description	Fee Paid
101	710	201	355	Utility filing fee	
106	320	206	160	Design filing fee	
107	490	207	245	Plant filing fee	
108	710	208	355	Reissue filing fee	
114	150	214	75	Provisional filing fee	
Subtotal (1)					\$0.00

## 2. EXTRA CLAIM FEES

	Extra	Fee from below	Fee Paid
Total claims	97	- 20**	77
Indep. claims	19	- 3**	16
Multiple Dependent			

Large Fee Code	Entity Fee (\$)	Small Fee Code	Entity Fee (\$)	Fee Description
103	18	203	9	Claims in excess of 20
102	80	202	40	Independent claims in excess of 3
104	270	204	135	Multiple dependent claim
108	80	209	40	**Reissue independent claims over original patent
110	18	210	9	**Reissue claims in excess of 20 and over original patent

Subtotal (2) \$2,666.00

## Submitted By

Name (Print/Type) Jonathan L. Klein

Signature: *Jonathan L. Klein*

## 3. ADDITIONAL FEES

Large Entity Fee Code	Large Entity Fee (\$)	Small Entity Fee Code	Small Entity Fee (\$)	Fee Description	Fee Paid
105	130	205	65	Surcharge - late filing of Oath or Declaration	
127	50	227	25	Surcharge - late provisional filing fee or cover sheet	
139	130	139	130	Non-English specification	
147	2,520	147	2,520	For filing a request for ex parte reexamination	
112	920	112	920	Requesting publication of SIR prior to Examiner action	
113	1,840	113	1,840	Requesting publication of SIR after Examiner action	
115	110	215	55	Extension for reply within first month	
116	390	216	195	Extension for reply within second month	
117	890	217	445	Extension for reply within third month	
118	1,390	218	695	Extension for reply within fourth month	
128	1,890	228	945	Extension for reply within fifth month	
119	310	219	155	Notice of Appeal	
120	310	220	155	Filing a brief in support of an appeal	
121	270	221	135	Request for oral hearing	
138	1,510	138	1,510	Petition to institute a public use proceeding	
140	110	240	55	Petition to revive - unavoidable	
141	1,240	241	620	Petition to revive - unintentional	
142	1,240	242	620	Utility issue fee (or reissue)	
143	440	243	220	Design issue fee	
144	600	244	300	Plant issue fee	
122	130	122	130	Petitions to the Commissioner	
123	50	123	50	Petitions related to provisional applications	
126	180	126	180	Submission of Information Disclosure Statement	
581	40	481	40	Recording each patent assignment per property (times number of properties)	
146	710	246	355	Filing a submission after final rejection (37 CFR 1.129(a))	
149	710	249	355	For each additional invention to be examined (37 CFR 1.129(b))	
179	710	279	355	Request for Continued Examination (RCE)	
169	190	169	900	Request for expedited examination of a design application	

Other fee (specify): Continued Prosecution Application

Other fee (specify):

\*Reduced by Basic Filing Fee Paid

Subtotal (3)

\$710.00

\$710.00

Complete (if applicable)

Registration No.: 41,119

Telephone (301) 251-6015

Date July 16, 2001

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

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